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10/555,405

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Sel Brian Colak

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

KHAN, OMER S

ART UNIT

PAPER NUMBER

2612

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/555,405 | <b>Applicant(s)</b><br>COLAK ET AL. |  |
|                              | <b>Examiner</b><br>Omer S. Khan      | <b>Art Unit</b><br>2612             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Appropriate correction is required. See MPEP § 608.01(b).

### ***Duty of Disclosure***

2. Applicant is reminded of their Duty of Disclosure. See MPEP § 2000 and 37 CFR 1.56.

Applicant is claiming priority of the PCT application, and it is to be noted that the cited references of that PCT application were not listed on a PTO-1449.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Elliott in US 6965294.

Consider claim 1, Elliott discloses public service system comprising automatic request recognition means capable of automatically recognizing a use request automatic user identification means capable of automatically identifying the requesting user, **(See Elliott, Fig 1, col. 2 l. 37-48, 71 where he discusses a workspace security system that allows entry and exit of an individual through the portal into the work area, the system is authenticated by automatic polling of electromagnetic radiation pattern from the individual carrying an authorized RFID badge, and when the RFID is detected, a deciphered access code is automatically delivered to the authentication controller to the operating processor, for authorization determination)**. Elliott discloses automatic authorization means capable of automatically checking a user's authorization, **(See Elliott, col. 2 l. 37-48, col. 5 l. 12-38, col. 16 l. 1-6, 38-42, where he discusses the authentication device can be any biometric identification device including a facial recognition devices to automatically authorize the user)**. Elliott discloses a wireless communication network having a plurality of communication nodes capable of direct or indirect communication with each other, a central controller associated with a communication nodes, and request receiving means associated with at least one of said communication nodes, **(See Elliott, Fig 12, col. 5 l. 12-38, col. 16 l. 1-6, 38-42, where he discusses system 20/410 may also include one or more management processors 250, the**

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**management processors provide overall system monitoring and control and interface directly with supervisory processors 26/240, through network 261, or via Internet 92/263, and operating processors 22/220a-220e, that are linked to other processors and providing interconnection between Network 261 and authentication interface 50, may be located in various work sites in the same or different geographic locations).**

Claim limitations that employ phrases “**Capable of**” is typical of claim limitations which may not distinguish over prior art according to the principle. It has been held that the recitation that an element is “capable of” performing a function is not a positive limitation but only requires the ability to so perform. Nevertheless, examiner has alternatively considered the limitations employing the phrases “capable of” following the guidelines of compact prosecution.

Consider claim 2, Elliott discloses public service system according to claim 1, the central controller allowing or rejecting the user's request on the basis of the authorization means, **(See Elliott, col. 2 l. 37-48, where he discusses operating processor makes the determination based in the credential).**

Consider claim 3, and 4 Elliott discloses public service system according to claim 2, further comprising controllable switch means controlled by said controller for selectively providing or not-providing the requested service, **(See Elliott, col. 2 l. 37-55, where he discusses operating processor makes the determination based in the**

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**credential are not valid the operating processor will selectively transmit an alarm condition to the supervisory processor and images captured by the surveillance camera are recorded).**

Consider claim 6, Elliott discloses public service system according to claim 1, further comprising controllable service provision means associated with the communication node 22, **(See Elliott, col. 2 l. 37-55, where he discusses operating processor will selectively transmit an alarm; therefore, have a control of the service, i.e. entrance to the facility).**

Consider claim 30, system according to claim 1, wherein at least some of the nodes are designed for communication with each other over optical links, **(See Elliott, col. 14 l. 44-47, where he discusses the operating processor 220 receives monitoring device signals from the various monitoring devices, and the connection delivering these signals may be hard wiring, wireless, or infrared, i.e. optical).**

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, 8 -18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in US 6965294 , and further in view of Hall in US 6340935.

Consider claims 7, 8, and 9 Hall discloses a public service system according to claim 1, implemented as a parking system, wherein the request receiving means comprise a camera with associated image processing software, capable of recognizing that a vehicle is entering or leaving a parking place and reading its registration number, and a memory with a database for storing authorize registration numbers, **(See Hall, abstract, col. 3 l. 3-12, col. 5 l. 20-29 & 59-67, where he discusses the computerized parking facility management system manages parking operations, wherein the contour of each vehicle that enters the parking facility is captured and quantified as part of its identification and a digital cameras is used to photograph the vehicle and records the vehicle's manufacturer, model, color and license plate, and the conversion of the license photograph to computer-recognizable text allows the system to computer process the license to provide features such as the determination of the vehicle's parked location by using the license as search criteria, and entry sensor 30 information are combined with the date and time of the vehicle's entry 80 into the parking facility 70 and stored in the system computer 10, a database containing the contour identification can be maintained, then a comparison between the contour of a target vehicle against the database will indicate the identity of the target vehicle).**

It would have been obvious to an ordinary skilled artisan at the time of invention to modify the invention of Elliott and integrate the RFID system with a parking as

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suggested by Hall; hence, design an automated parking garage that can monitor the real-time location of a vehicle parked in the garage, **(See Hall, col. 11 l. 59-67).**

Consider claim 5, public service system according to claim 2, the central controller being designed to automatically take care of financial administration when the service is terminated, **(See Hall, col. 11 l. 20-25, col. 16 l. 9-24, the computerized parking facility management system will archive the vehicle information without any human intervention , and even after the vehicle exits the facility the revenue charged to that vehicle is stored in a database. Managers can obtain reports by manual requests or inform the system to send periodic reports automatically by e-mail or faxed to designated persons).**

Consider claim 10, 11, 12, 13, Hall discloses public service system according to claim 1, implemented as a parking system, further comprising machine-readable identification means or a transmitter adapted to be fixed to a vehicle, and reading devices associated with the parking places, the reading devices being coupled for communication with of the communication node, wherein said transmitter is arranged to continuously or regularly transmit a signal containing identification information, **(See Hall, col. 2 l. 41-45, 64-67, col. 5 l. 56 – col. 6 l. 7, col. 14 l. 21-39, where he discusses with the advent of Global Positioning System technology, the location of a vehicle can be precisely detected and tracked; thus, the real-time location of a vehicle equipped with the necessary components can be determined within the**



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**parking facility 70 as part of its unique identification, See Fig 12, a mobile unit 230 and attached monitor 240 reside inside the vehicle. Using a transceiver the mobile unit 240 calculates vehicle's real-time position from the signals of the GPS satellite 200 and sends the information to the base unit 210 that is connected to the system computer 10, wherein GPS receiver continuously transmits its location and its unique identification, information are combined with the date and time of the vehicle's entry into and exit out of the parking facility).**

Consider claim 14, and 15, Hall discloses public parking system according to claim 13, wherein said transmitter is arranged to include time information into the transmitted signal, wherein the communication nodes comprise timing means, and wherein the system is designed to calculate the vehicle's position on the basis of propagation time from the transmitter to the respective communication nodes, wherein said transmitter and said communication nodes each comprise GPS receiving means, adapted to derive time information from received GPS signals, **(See Hall, col. 2 l. 41-45, 64-67, col. 5 l. 56 – col. 6 l. 7, col. 14 l. 21-39, col. 15 l. 24-28, see Fig 1, where he discusses computer system capable for processing and displaying real-time data pertaining to the location and identification of each vehicle within the parking facility, the system maintains time statistic including time stamp entry and exit, the time stamp of a vehicle's location occurs when the computer 10 logs the date and time that a sensor transmits that vehicle's contour, GPS-equipped vehicles can be integrating with aspects of vehicle contouring and validating that**

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**the change rate of location coordinates along the defined roadways of the parking facility are indicative of a vehicle in real-time).**

Consider claims 16, and 17, public parking system according to claim 13, wherein said transmitter is arranged to include position information into the transmitted signal, wherein said transmitter comprises GPS receiving means, adapted to derive position information from received GPS signals, **(See Hall, col. 2 l. 64-67, col. 14 l. 44-47, see Fig 12, where he discusses computer system capable for processing and displaying real-time data pertaining to the location and identification of each vehicle within the parking facility using GPS technology, and the vehicle is equipped with a GPS transmitter 230/2340).**

Consider claim 18, public service system according to claim 1, implemented as a parking system, further comprising a controllable gate at the entrance of a parking place, controlled by a controller allowing or rejecting the user's request on the basis of the authorization means, **(See Hall, col. 12 l. 57-67, Fig 19, where he discusses physical barriers are places at the entry and the exit and both Elliott and Hall teaches the controlled authentication based on credentials).**

7. Claims 19, 22, 24-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in US 6965294, and further in view of Moore in US 20030001726.

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Consider claims 19, 22, 24-28, public service system according to claim 1, implemented as a power provision system further comprising, energy transfer means controlled by said controller, energy receiving means adapted to be coupled to a user apparatus, wherein the energy transfer means and the energy receiving means are adapted for wireless energy transfer, that is an electromagnetic wave emitting antenna, and wherein the energy receiving means comprise an electromagnetic wave receiving antenna, preferably incorporating a rectifier circuit, capable of transmitting a signal containing user location information, wherein the communication nodes comprise receiving means capable of receiving the said signal and capable of deriving the user location information from the received signal, and wherein the energy transfer means are capable of directing a beam of energy to the location as derived from said received signal, capable of transmitting a signal containing user ID information, wherein the communication nodes comprise receiving means capable of receiving the said signal and capable of deriving the user ID information from the received signal, further comprising a measuring device capable of measuring the amount of power provided or time duration of the power provided, **(See Elliott, Fig 1, 12, col. 2 l. 37-48, col. 5 l. 59 col. 6 l. 33, where he discusses the use of a passive RFID with an antenna and ; therefore, it receives its power from a wireless interrogator of electromagnetic waves, receiving the identification information from RFID, identify the location of personnel and equipment in the work area).** Elliott covers most information needed for an ordinary skilled artisan to make a Passive RFID transponder of the applicant and the deficiency, if any, are taught by Moore in detailed, **(See Moore, abstract, ¶ 49, 91,**

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**where he discusses a passive RFID tag is used with a material tracking system capable of real-time pinpoint location and identification, the radio frequency of the interrogator powers up the tag, where the electromagnetic signal is rectified, and the sensing antenna, tuned circuit, and detector circuit determine whether an antenna is plugged into a location or not by measuring the voltage generated by the rectification of the tank circuit).**

It would have been obvious to an ordinary skilled artisan at the time of invention to design his RFID tag with specification of prior art provided by Moore, thus designing the tags easily traceable by the system and therefore provide enhance security, **(See Moore, ¶ 13).**

8. Claims 20 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in US 6965294, in view of Moore in US 20030001726, and further in view of Dawalibi in US 6331812.

Consider claims 20 and 21, public power provision system according to claim 19, wherein the energy transfer means comprise a power outlet and wherein the energy receiving means comprise a connector, wherein the connector comprises user ID information, and wherein the power outlet comprises ID reading means, **(See Dawalibi, col. 1. l. 58-67, where he discusses an electronic lock wherein the lock open upon the insertion or authorized key with identification, and the cylinder of each lock includes a power supply for its own electronic circuits and for those of the key, the locks reads the identification).**

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It would have been obvious to an ordinary skilled artisan at the time of invention to modify the invention of Elliott-Moore and have a electronic key that mechanically couples to the lock, thus providing enhanced security the facility by making use of the known prior art, **(See Dawalibi, col.1 l. 58-67).**

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in US 6965294, and further in view of Shields in US 4998095.

Consider claim 29, system according to claim 1, wherein at least some of the nodes are associated with street lighting armatures or lamp posts, **(See Shields, col. 3 l. 4-15, where he discusses transmitter in the lamp post).**

It would have been obvious to an ordinary skilled artisan at the time of invention to modify the invention of Elliott and place a transmitter in a lamp post; hence, designing a cost effective car garage system where the lamp post serves multiple purpose in and open space car garage, **(See Shields, col. 3 l. 4-15).**

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elliott in US 6965294, in view of Moore in US 20030001726, and further in view of Anderson in US 20040178892.

Consider claim 23, public power provision system according to claim 22, wherein the energy transfer means comprise a light source and wherein the energy receiving means comprise a photodetector, **(See Elliott, where he discusses the operating processor 220 receives monitoring device signals from the various monitoring**

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**devices, and the connection delivering these signals may be hard wiring, wireless, or infrared, i.e. optical).** In an analogous art Anderson discloses a photo detector, wherein the infrared energy is detected and demodulated by infrared photodetector 34, **(See Anderson, ¶ 47).**

It would have been obvious to an ordinary skilled artisan at the time of invention to modify the invention of Elliott and use a photodetector to receive the energy, thus making use of a well known and cost effective alternative to receive energy by a wireless device, **(See Anderson, ¶ 47).**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omer S. Khan whose telephone number is (571)270-5146. The examiner can normally be reached on M-F 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Omer S Khan/  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612